

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
BEHNAM HALALI,
Defendant.

Case No. 14-cr-00627-SI-1

ORDER DENYING BEHNAM HALALI'S MOTION FOR EARLY TERMINATION OF SUPERVISED RELEASE WITHOUT PREJUDICE

Re: Dkt. No. 367

Defendant Benham Halali has filed a *pro se* motion for early termination of supervised release. On January 5, 2018, the Court sentenced defendant to 60 months imprisonment, to be followed by three years of supervised release, based on his convictions for conspiracy to commit wire fraud (18 U.S.C. § 1349), wire fraud (18 U.S.C. § 1343), and aggravated identity theft (18 U.S.C. § 1028A(a)(1)). Mr. Halali's supervision commenced on July 1, 2021.

Mr. Halali states that he has performed well on supervised release and is currently employed full time. Mr. Halali emphasizes that he makes his monthly restitution payments, has completed the court-ordered 140 hours of community service, and has completed over 12 months of drug counseling courses.

The Probation Office states that at this time it does not support Mr. Halali's request. The Probation Office notes that Mr. Halali has been compliant with his supervised release conditions and is responsive to requests from the Probation Officer. However, the Office does not support the request at this time given the nature and circumstances of the underlying offense and because Mr. Halali has a significant outstanding restitution balance.

18 U.S.C. 3583(e)(1) provides that a court may, under factors set forth in 18 U.S.C. § 3553(a) “terminate a term of supervised release . . . at any time after the expiration of one year of supervised

1 release . . . if it is satisfied that such action is warranted by the conduct of the defendant released
2 and the interest of justice.” 18 U.S.C. § 3583(e) (1). When determining whether the defendant’s
3 conduct and the interest of justice warrant early termination of supervised release, the court “enjoys
4 discretion to consider a wide range of circumstances.” *United States v. Emmett*, 749 F.3d 817, 819
5 (9th Cir. 2014). The burden is on the defendant, as the party receiving the benefit of early
6 termination, to demonstrate that early termination is warranted. *United States v. Weber*, 451 F.3d
7 552, 559 n.9 (9th Cir. 2006).

8 After considering the record, the Court finds early termination to be unwarranted at this time.
9 The Court commends Mr. Halali on his positive performance on supervised release. However, the
10 Court shares the concerns raised by Probation and believes that continued supervised release is
11 needed at this time. This denial is without prejudice to Mr. Halali renewing his request in July 2023
12 or thereafter.

13 **IT IS SO ORDERED.**

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15 Dated: August 8, 2022

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SUSAN ILLSTON
United States District Judge